

EXHIBIT "J"

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT KENAI

3
4 E.A., a minor, by her mother
and next friend D.A.,

5 Plaintiffs,

6 vs.

7 JOSEF F. BOEHM,

8 Defendant.

9
10 Case No. 3AN-05-11782 CI

COPY

11
12 VIDEO DEPOSITION OF ERIN AXT

13 Pages 1 - 122, inclusive

14
15
16 Thursday, December 14, 2006
17 9:22 a.m.

18 Taken by Defendant
19 at
20 Anchorage Hilton
21 500 W. 3rd Avenue
22 Anchorage, Alaska 99501

23
24 Reported by: Leonard J. DiPaolo,
25 Registered Professional Reporter

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18 Reported by: Leonard J. DiPaolo,
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19

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21 BE IT KNOWN that the aforementioned
22 deposition was taken at the time and place duly noted on
23 the title page, before Leonard J. DiPaolo, RPR, Registered
24 Professional Reporter and Notary Public within and for the
25 State of Alaska.

<p style="text-align: right;">Page 15</p> <p>1 A. Yes, I think I met him, like, twice.</p> <p>2 Q. You think you met him twice?</p> <p>3 A. Uh-huh.</p> <p>4 Q. How often did you smoke marijuana after you</p> <p>5 started at 13 years old?</p> <p>6 A. Not very much at all.</p> <p>7 Q. I'm sorry?</p> <p>8 A. I'm trying to think. Just a few times.</p> <p>9 Q. And you started smoking marijuana before you knew</p> <p>10 who Josef Boehm was?</p> <p>11 A. Yes.</p> <p>12 Q. And when is the first time that you did cocaine?</p> <p>13 A. When I started hanging -- no, cocaine? No, I</p> <p>14 started doing crack first. So cocaine was when I was 15.</p> <p>15 Q. And who did you do crack with the first time?</p> <p>16 A. Salley.</p> <p>17 Q. That was the first time you did cocaine, crack</p> <p>18 cocaine?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever do powder cocaine before that?</p> <p>21 A. No.</p> <p>22 Q. And when you did the crack cocaine with Salley,</p> <p>23 who gave you that cocaine?</p> <p>24 A. Salley did, and she said that she got it from one</p> <p>25 of her friends.</p>	<p style="text-align: right;">Page 17</p> <p>1 crack cocaine with Salley Purser on that occasion, is that</p> <p>2 correct?</p> <p>3 A. No.</p> <p>4 Q. That is correct?</p> <p>5 A. Yes.</p> <p>6 Q. Are you certain that it was crack cocaine that you</p> <p>7 did with Salley Purser at that time?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever get crack cocaine from Bambi Tyree?</p> <p>10 A. Yes.</p> <p>11 Q. And the time -- the first time you got crack</p> <p>12 cocaine from Bambi Tyree was not the first time that you</p> <p>13 got it at all?</p> <p>14 A. No.</p> <p>15 Q. The crack cocaine that you smoked with Salley, do</p> <p>16 you know where that crack cocaine came from?</p> <p>17 A. I think she must -- I don't know exactly where she</p> <p>18 got it. She must have got it from her mom or Joe.</p> <p>19 Q. Did you ever tell anybody that she got it from</p> <p>20 Bambi?</p> <p>21 A. No, I don't think so.</p> <p>22 Q. Do you recall being interviewed by the police,</p> <p>23 Detective Boltz?</p> <p>24 A. I don't remember. That was so long ago.</p> <p>25 Q. If you would have told Detective Boltz that Salley</p>
<p style="text-align: right;">Page 16</p> <p>1 Q. I'm not asking -- excuse me, move to strike.</p> <p>2 The question is who gave it to you?</p> <p>3 A. Salley.</p> <p>4 Q. Where did you smoke it, at Salley's house?</p> <p>5 A. Yes.</p> <p>6 Q. Was that downstairs in her mother's room?</p> <p>7 A. No.</p> <p>8 Q. Where was it?</p> <p>9 A. Her room.</p> <p>10 Q. Who else was present at that time?</p> <p>11 A. Her mom and her mom's friend was downstairs.</p> <p>12 Q. Do you know the name of her mom's friend?</p> <p>13 A. I think it was Joe.</p> <p>14 Q. You don't know, you think it was --</p> <p>15 A. I think Joe was there.</p> <p>16 Q. Did you meet Joe then?</p> <p>17 A. Not that day.</p> <p>18 Q. What makes you think Joe was there?</p> <p>19 A. Because when I met him I remember that I saw him</p> <p>20 before.</p> <p>21 Q. So he came up from the bedroom, or did you go down</p> <p>22 into the bedroom?</p> <p>23 A. I think I saw them leaving out the front door when</p> <p>24 me and Salley were in the living room.</p> <p>25 Q. So Mr. Boehm had nothing to do with your smoking</p>	<p style="text-align: right;">Page 18</p> <p>1 got the crack cocaine from Bambi --</p> <p>2 A. Well, then she must have got it from Bambi. I</p> <p>3 don't remember.</p> <p>4 Q. When you had the interview with Detective Boltz,</p> <p>5 were you doing your best to tell him the truth?</p> <p>6 A. Yes.</p> <p>7 Q. And the answers that you gave him, to the best of</p> <p>8 your recollection now, would have been truthful at the time</p> <p>9 you gave him those answers?</p> <p>10 A. I guess so.</p> <p>11 Q. You guess. Well, let me show you, or let me read</p> <p>12 to you on page 30 of that interview a question by Detective</p> <p>13 Vandegriff: Where did -- where did Salley get the crack to</p> <p>14 smoke or where did the crack come from?</p> <p>15 Answer by Ms. Axt: Bambi.</p> <p>16 Would that have been correct?</p> <p>17 A. I don't remember the --</p> <p>18 Q. Whether you remember or not, do you remember</p> <p>19 telling the truth about the questions that he asked you?</p> <p>20 A. I don't remember everything I said or not, but</p> <p>21 yes, I had to be telling the truth.</p> <p>22 Q. So if you said Bambi supplied it, then Bambi</p> <p>23 supplied it, is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Now at that time that you smoked crack cocaine,</p>

<p style="text-align: right;">Page 23</p> <p>1 Q. Is it your testimony that you never smoked crack 2 cocaine with Kristin? 3 A. Yeah. Well, not right away, but in the beginning, 4 yes. 5 Q. Your testimony is that you did smoke crack cocaine 6 with Kristin? 7 A. Yes. 8 Q. And how old were you the first time you smoked 9 crack cocaine with Kristin? 10 A. 13. 11 Q. Where were you when you did that? 12 A. I was at her house. 13 Q. Was her mom there? 14 A. No. 15 Q. And she had the crack cocaine? 16 A. Yes. 17 Q. And that was the very first time that you did it? 18 A. With Kristin. 19 Q. Had you done it with somebody else before you were 20 13? 21 A. With Salley when I was 13. 22 Q. How about Kelley, do you have a friend named 23 Kelley? 24 A. Yes. 25 Q. Did you do crack cocaine with Kelley?</p>	<p style="text-align: right;">Page 25</p> <p>1 know? 2 A. Her mom. 3 Q. Who was present when you did the cocaine with 4 Kelley? 5 A. Her mom and her dad. 6 Q. Were they doing crack along with you? 7 A. Not with us. They were upstairs. 8 Q. So her mom and dad are upstairs doing crack 9 cocaine and you're downstairs with Kelley doing crack 10 cocaine? 11 A. Yes. 12 Q. Do you remember how long you were there doing 13 crack cocaine on that occasion? 14 A. I don't know. It had to be a while. 15 Q. When you say "a while", are you talking hours, 16 days? 17 A. Probably like a day or two. 18 Q. A day or two? 19 A. Because I was staying with Kelley. 20 Q. And when you did cocaine at Kristin's house, how 21 long a period did you do that, about a day or two also? 22 A. No, that was just after school. 23 Q. Then you went home -- 24 A. Yeah. 25 Q. -- under the influence?</p>
<p style="text-align: right;">Page 24</p> <p>1 A. Yes. 2 Q. How old were you when you did crack cocaine with 3 Kelley? 4 A. 13. 5 Q. Now doing the crack cocaine with Kristin, that 6 didn't have anything to do with Mr. Boehm did it? 7 A. Kristin went over to Boehm's house with me. 8 Q. But you told us you did crack cocaine at her house 9 with her when you were 13. That didn't have anything to do 10 with Mr. Boehm, did it? 11 A. No. 12 Q. That was before you started seeing Mr. Boehm, 13 correct? 14 A. I don't know if it was before or during. 15 Q. And Kelley, you were 13 when you did crack 16 cocaine? 17 A. Yes. 18 Q. What's Kelley's last name? 19 A. Jackson. 20 Q. Where did you do crack cocaine with Kelley 21 Jackson? 22 A. With her at her parents' house. 23 Q. How old were you then? 24 A. 13. 25 Q. Where did Kelley get that crack cocaine, if you</p>	<p style="text-align: right;">Page 26</p> <p>1 A. Yes. 2 Q. Did your mom see that you were under the 3 influence? 4 A. I don't know. I don't know if she noticed it or 5 not. 6 Q. She didn't mention anything to you? 7 A. (Indicating). 8 Q. Is that a no? 9 A. Yes. 10 Q. So the crack cocaine that you did at Kelley's 11 house, that had nothing to do with Mr. Boehm as well, 12 correct? 13 A. No, that was after Boehm. 14 Q. But it -- he wasn't there and that had nothing to 15 do with him? 16 A. No. 17 Q. Is that correct? 18 A. Yes. 19 Q. You have used powder cocaine also, didn't you? 20 A. Yes. 21 Q. When is the first time you did that? 22 A. I think when I was 15. I don't remember doing it 23 before then. 24 Q. Do you remember telling the detective the first 25 time you did powder cocaine was with Salley Purser before</p>

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1 you met Mr. Boehm?

2 **A. I don't remember. I only -- I don't remember**

3 **doing it back then.**

4 Q. Do you remember being asked the following -- or

5 the questions -- well, let me go back again.

6 Every time I refer to these interviews your

7 answer would be the same, that whatever answers you gave

8 you were doing your best to tell the truth at that time,

9 correct?

10 **A. Yes.**

11 Q. And the answers you gave would have been truthful

12 at that time?

13 **A. Yes.**

14 Q. Do you remember being asked the following

15 questions and giving the following answers?

16 MR. YBARRA: Page 51.

17 BY MR. KENNER:

18 Q. Question, this is page 28 of the transcript.

19 Question: Okay, and when Salley offered you

20 the cocaine, where did you try it at?

21 Answer: Her house.

22 Question: Was it powder? Did you stick it

23 with a needle in your arm? How did you do it?

24 Answer: Powder.

25 Question: What did you do?

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1 Answer: Snorted it.

2 Question: Where did she get it?

3 Answer: I never asked her where she got it.

4 Question: Okay, so then what, start hanging

5 out with Salley more?

6 Answer: Me and Salley were always hanging

7 out together.

8 Do you remember those questions and those

9 answers?

10 **A. No, not really. But I don't remember doing it**

11 **back then.**

12 Q. You don't remember doing powder then?

13 **A. I must have, but I don't remember.**

14 Q. Is your memory somewhat affected by the drug use

15 that you've been through over the last number of years?

16 **A. Yes.**

17 Q. So your memory now of events that took place back

18 in 2001 and -2 and -3, is not as good as it could be

19 because of the drug use, is that correct?

20 **A. Yes, that's what I believe.**

21 Q. I'm sorry?

22 **A. I said that's what I believe.**

23 Q. But things that you would have said back at that

24 time during this interview would have been truthful at that

25 time, correct?

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1 **A. Yeah.**

2 Q. And your memory has perhaps faded over time?

3 **A. Yeah.**

4 Q. Before you met Mr. Boehm, did you and Salley have

5 a sexual relationship with each other?

6 **A. Yes.**

7 Q. And when did that sexual relationship start?

8 **A. We were at a party and we were drunk.**

9 Q. And what were you drinking?

10 **A. I don't know, alcohol.**

11 Q. And you got drunk -- how many people were at the

12 party?

13 **A. Probably like 15, 20 people.**

14 Q. Okay.

15 **A. Maybe more.**

16 Q. Were there people other than just you and Salley

17 doing sex at that party, or having sex at that party?

18 **A. No one besides who we were with.**

19 Q. Who were you with?

20 **A. It was me, Salley, and a guy named Jason, and then**

21 **we were in the bathroom.**

22 Q. And isn't it true that you were also smoking crack

23 at that party?

24 **A. No, I don't think so. We were only drinking.**

25 **That's all I remember.**

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1 Q. Does that mean your answer is you may or may not

2 have also been doing crack, you just don't recall now?

3 **A. Yes.**

4 Q. And Jason, what's his last name?

5 **A. I don't know.**

6 Q. And when you say you were in the bathroom, were

7 you in the bathtub or in the shower or on the floor in the

8 middle?

9 **A. Just standing up in the bathroom.**

10 Q. I noticed you're smiling and laughing about this.

11 Does this bring back some pleasant memories or something?

12 **A. It was just funny and stupid.**

13 Q. So during this funny, stupid occasion when you're

14 standing in the bathroom, what kind of sex were you having

15 with Salley?

16 **A. Do I have to go into full details with that?**

17 Q. Yes.

18 **A. Why?**

19 Q. Ma'am, my question is what kind of sex were you

20 having with Salley on that occasion that you're describing

21 to us?

22 **A. Jason was having sex with me while I was eating**

23 **her out, and she was eating me out while he was having sex**

24 **with her. Is that enough detail?**

25 Q. How old were you?

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1 **A. Wherever I was at at the moment.**
 2 Q. So during that year that you were going out with
 3 Brandon you were staying at different places, and wherever
 4 you happened to be on a given occasion that you were going
 5 to go out with him that's where he would pick you up?
 6 **A. He would usually pick me up from my house or**
 7 **Salley's house. Because every time I would go to bed and**
 8 **then wake up again in the morning he would pick me up then.**
 9 **And I'd only sleep at Salley's house and my house.**
 10 Q. Did you do drugs at Salley's house when you slept
 11 there?
 12 **A. Yeah.**
 13 Q. What drugs did you do at Salley's house when you
 14 slept there?
 15 **A. Crack.**
 16 Q. I'm sorry?
 17 **A. Crack.**
 18 Q. Crack. Was Kathleen Purser there then?
 19 **A. Yes.**
 20 Q. Did she do crack with you and Salley?
 21 **A. Yes.**
 22 Q. Do you know who Gary D. is?
 23 **A. No.**
 24 Q. How about Whaley, do you know Whaley?
 25 **A. No.**

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1 Q. Wasn't -- did Purser have a boyfriend that was
 2 around when you were at Salley's house?
 3 **A. Who, Kathleen?**
 4 Q. Yeah.
 5 **A. I don't know who her boyfriend was.**
 6 Q. What about Lindley, does that name mean anything
 7 to you?
 8 **A. Who is that? Never heard of them.**
 9 Q. So you would be at Salley's house sleeping most of
 10 the time or at your house sleeping most of the time during
 11 the year that you were going out with Brandon?
 12 **A. No. When I would go to sleep -- yes, that's where**
 13 **I would go is Salley's house or my house.**
 14 Q. And you never met Salley's boyfriend?
 15 **A. Salley's boyfriend?**
 16 Q. Yeah.
 17 **A. Salley didn't really have a boyfriend.**
 18 Q. Had you ever met any of the guys she hung out
 19 with?
 20 **A. She rarely hung out with any guys besides the guys**
 21 **that was doing drugs.**
 22 Q. So when your boyfriend would pick you up it would
 23 be in the morning you say?
 24 **A. Yeah, in the afternoon.**
 25 Q. And you told us you would go to movies, that was

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1 one of the things you did?
 2 **A. We would go to his house, hang out, watch a movie,**
 3 **something like that.**
 4 Q. Go to restaurants?
 5 **A. No, we never went out to restaurants.**
 6 Q. Did you eat with him?
 7 **A. Yes.**
 8 Q. Where?
 9 **A. Fast food.**
 10 Q. You would go through the fast food and would bring
 11 it back to his house?
 12 **A. Or we would go for a drive and sit and eat it.**
 13 Q. Now since you've been back at your mother's house
 14 since Christmas of last year, you've done drugs, haven't
 15 you?
 16 **A. Yeah, up until the end of January.**
 17 Q. Okay, and what drugs did you do until the end of
 18 January?
 19 **A. Meth.**
 20 Q. And who were you doing that with?
 21 **A. My friends. I don't remember.**
 22 Q. What friends?
 23 **A. I don't remember who all I was doing it with, but**
 24 **I remember a bunch of friends.**
 25 Q. Doing it on a regular basis?

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1 **A. Yeah.**
 2 Q. Did there come a time at which you went someplace
 3 to get cleaned up from using all these drugs?
 4 **A. I'd always go back home.**
 5 Q. So you went back home, you continued using drugs
 6 for a month, and then on your own you just stopped?
 7 **A. I stopped when I met my boyfriend.**
 8 Q. And who is your boyfriend?
 9 **A. Matt.**
 10 Q. And --
 11 MR. WINNER: Mr. Kenner, when you've got an
 12 appropriate time to take a break in your questioning, maybe
 13 we could take a break.
 14 MR. KENNER: This is fine. We could take
 15 one now if you'd like.
 16 VIDEOGRAPHER: Off record, 10:28.
 17 (Off the record.)
 18 VIDEOGRAPHER: We're on record at 10:39,
 19 thank you.
 20 BY MR. KENNER:
 21 Q. Ms. Axt, during this recess did you have a
 22 conversation with any of your attorneys about the substance
 23 of your testimony?
 24 **A. What do you mean?**
 25 Q. Did you talk to them about your testimony?

<p style="text-align: right;">Page 71</p> <p>1 the police at that time was your best attempt at telling</p> <p>2 the truth?</p> <p>3 A. Yes.</p> <p>4 Q. So after you met Josef Boehm, did you then go to</p> <p>5 Josef Boehm's house?</p> <p>6 A. I went over there once.</p> <p>7 Q. You've only been to Josef Boehm's house once?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember being asked by Detective Boltz</p> <p>10 what was happening at Joe's house? And your answer: I've</p> <p>11 never been... referring to I've never been there?</p> <p>12 A. I don't know. I've been over there once.</p> <p>13 Q. The one time that you were over there, who was</p> <p>14 there?</p> <p>15 A. Kathleen, me, and Kristin, and I think Renee.</p> <p>16 Q. The first time that you met Mr. Boehm, you</p> <p>17 actually met him, who introduced you to him?</p> <p>18 A. Salley.</p> <p>19 Q. Salley Purser. And did you go someplace other</p> <p>20 than Mr. Boehm's house the first time that you -- I'm</p> <p>21 sorry, you met at Kathleen Purser's house, correct, the</p> <p>22 first time?</p> <p>23 A. Yes.</p> <p>24 Q. And then the next time that you were with Mr.</p> <p>25 Boehm, where was that?</p>	<p style="text-align: right;">Page 73</p> <p>1 party at that hotel?</p> <p>2 Answer: Of what I remember, me, Salley,</p> <p>3 Bambi, and Joe. And then Bambi, that's when Bambi stole</p> <p>4 the Cadillac from Joe, and me, Salley, and Bambi went on a</p> <p>5 joyride in the Caddy.</p> <p>6 Do you remember telling him that?</p> <p>7 A. I don't remember.</p> <p>8 Q. Is that true?</p> <p>9 A. Probably, yeah.</p> <p>10 Q. If you told them that you were telling the truth?</p> <p>11 A. Yes, yes.</p> <p>12 Q. And was anybody smoking cocaine in the car while</p> <p>13 you were out joyriding, smoking crack cocaine?</p> <p>14 A. I don't remember.</p> <p>15 Q. Do you remember being asked: Who was smoking</p> <p>16 cocaine or doing cocaine then?</p> <p>17 Answer: Bambi was smoking in the car.</p> <p>18 Do you remember telling them that?</p> <p>19 A. I don't remember that.</p> <p>20 Q. If you told them that, that would have been true?</p> <p>21 A. Yes.</p> <p>22 Q. And who was driving the car?</p> <p>23 A. I don't know. I don't even remember taking the</p> <p>24 car.</p> <p>25 Q. If you told them that Bambi was driving the car,</p>
<p style="text-align: right;">Page 72</p> <p>1 A. I don't remember.</p> <p>2 Q. But it wasn't his house?</p> <p>3 A. No.</p> <p>4 Q. You saw him a number of times other than at his</p> <p>5 house?</p> <p>6 A. Yes.</p> <p>7 Q. And was that at a hotel the next time that you saw</p> <p>8 him?</p> <p>9 A. I don't remember which order of every time here</p> <p>10 and there. But I remember we were at Salley's house a lot,</p> <p>11 hotels a lot, and Bambi's house.</p> <p>12 Q. Where was Bambi's house?</p> <p>13 A. A trailer off 100th or something.</p> <p>14 Q. How about the Microtel Hotel, did you ever go</p> <p>15 there?</p> <p>16 A. I think so.</p> <p>17 Q. Did you and Salley Purser -- when you went to the</p> <p>18 Microtel Hotel, did you and Bambi Tyree and Salley Purser</p> <p>19 steal Mr. Boehm's Cadillac?</p> <p>20 A. I don't think so.</p> <p>21 Q. Did you ever say that to anybody?</p> <p>22 A. I don't think so.</p> <p>23 Q. Do you remember when we're talking about the</p> <p>24 Microtel Hotel -- this is the interview with Detective</p> <p>25 Boltz. Do you remember being asked: Okay, who was at the</p>	<p style="text-align: right;">Page 74</p> <p>1 would that have been true?</p> <p>2 A. Yes.</p> <p>3 Q. At some point did Bambi call Joe to ask him, or to</p> <p>4 tell him that if he wanted the car back she'd only bring it</p> <p>5 back if he gave her a hundred dollars or a hundred dollars</p> <p>6 worth of crack? That you remember, don't you?</p> <p>7 A. I think I'm starting to remember all this.</p> <p>8 Q. Well, that's good.</p> <p>9 A. So yes, sorry. Because I remember Bambi saying</p> <p>10 something about you can't get the car -- you can't get the</p> <p>11 car back. If you want the car, you have to give us drugs</p> <p>12 or money.</p> <p>13 Q. Was that pretty funny at the time?</p> <p>14 A. No, I'm just remembering it.</p> <p>15 Q. You're smiling about it while you're remembering.</p> <p>16 Was there something funny about it?</p> <p>17 A. No.</p> <p>18 Q. You remember the whole sequence now?</p> <p>19 A. Huh?</p> <p>20 Q. You remember everything we just talked about?</p> <p>21 A. Yeah. It had to take a minute to click in.</p> <p>22 Q. Now it's clicked in, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Now did Mr. Boehm give you money the first time</p> <p>25 you met him?</p>